IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5984 OF 2007

Dayabhai Narayanbhai Patel & Ors..... ....Petitioners
V/s
Rukminibai Popat Lokhande & Ors..... ....Respondents.

Mr.A.D.Avhad, Adv. For the petitioners.

CORAM: A.P.DESHPANDE, J.
17/8/07

PC:

This petition is preferred by original defendants 10 to 13 calling in question the legality and validity of the order passed by the trial Court dated 6.6.07. The present petitioners had themselves applied for being impleaded as party-defendants by moving the trial Court. The said application was allowed. The suit filed by the plaintiff is for partition and possession of 1/3rd share in the suit property. Thus the rights of defendant Nos. 10 to 13 in an agreement for development are very much subject to decision of the suit. An amendment application moved by the plaintiff has been allowed by the trial Court finding that allowing such amendment would enable the Court to decide all the issue in controversy finally and after further finding that allowing amendment would avoid multiplicity of proceedings and litigation. Perused the order. Same does not call for interference. Learned counsel for the petitioner submits that

on account of amendment being allowed the valuation of the property exceeds the peculiar jurisdiction of the Civil Judge, Junior Division. If that be so, it shall be open for the petitioners to make appropriate application before the trial Court in that regard. With these observations writ petition is summarily disposed of. Having regard to the pendency of the matter for about six years I hope and trust that the trial Court would decide the suit expeditiously.

17.8.07